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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/736,324

12/15/2003

Rick A. Lawson

068341.0109

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31625

7590

07/08/2008

BAKER BOTTS L.L.P.

PATENT DEPARTMENT

98 SAN JACINTO BLVD., SUITE 1500

AUSTIN, TX 78701-4039

EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT

PAPER NUMBER

2612

MAIL DATE

DELIVERY MODE

07/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/736,324	Applicant(s) LAWSON ET AL.	
	Examiner Julie Lieu	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 19-21 and 23-43 is/are pending in the application.
- 4a) Of the above claim(s) 33-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 19-21 and 23-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to Applicant's election filed April 21, 2008. Invention group I, which includes claims 1-10, 19-21, and 23-32, has been elected. Claims 33-35 and 38-43 of group II have been withdrawn from consideration.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 1-10, 20, 21, 23, 24, 26, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morton (US Patent No. 4,195,288) in view of Rein et al. (US Patent No. 5,341,988).

Claim 1:

Morton discloses a system for acquiring and transmitting data between two or more positions or locations relative to a detected condition and/or event in a plant, the system comprising:

at least first and second detectors 35, 34 to detect conditions or events, the detectors mounted at a first location and second locations, the first detector 35 comprising a temperature detector and the second detector detect a condition selected from a group consisting a fugitive emission, a level, and a pressure (col. 4, lines 29-36);

a battery-powered RF transmitter 20 in electrical communication with the detector 34 and 35, the transmitter wirelessly transmitting signals relative to the ID code, the detector, and the battery to a location remote from the first location (col. 3, lines 50-52);

a central processing 17 location remote from the first location plant locations for receiving and processing signals from the transmitters, the signals relative to the ID code, the detector, and the battery to a location remote from the first and second locations in the plant;

Morton fails to disclose whether (a) two transmitters, each associated with each detector and (b) a third transmitter.

Regarding (a), the concept of using a transmitter for each sensor to transmit sensed condition to a monitoring device is well known in the art as taught in Rein (see col. 9, lines 6-20). In light of this teaching, one skilled in the art would have readily recognized using individual sensor with its own transmitter as taught in Rein in the Morton system because it would allow the sensor to send its output wirelessly and independently to a remote monitoring location as opposed to using a single transmitter in Morton, which would be an improvement over the Morton system since the information would be provided by each individual sensor, thus, it is clear to a monitoring personnel as to what exactly the sensed conditions are and/or which detectors in particular have detected the undesirable conditions.

Regarding (b), though Morton fails to disclose a third transmitter in communication with the central processing location, mounted at a third plant location. However, it is inherent the Morton discloses a third detector since Morton shows arrows 10 in fig. 1 to demonstrate input received from electronic or electromechanical sensors. See col. 3, lines 35-39. It then follows

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the previous discussion, one skilled in the art would have readily recognized to use a third transmitter to transmit the detected condition detected by the third detector.

Claims 2 and 3:

Morton shows 4 arrows 10 to represent detector inputs. Therefore, it is inherent that there is at least one more detector to detector conditions at a fourth plant location. And as discussed above, the combined system of Morton and Rein would further have at least one transmitter in communication with the at least one more detector and/or sensor.

Claim 4:

The battery-powered transmitter in Rein is a spread spectrum transmitter. Col. 9, 2nd paragraph.

Claims 5 and 6:

Rein fails to specify that the one battery-powered radio frequency transmitter is a 900 megahertz spread spectrum transmitter, though Rein discloses that the transmitter of zone sensor 58 is indeed a spread spectrum transmitter (col. 9, lines 9-13). Nevertheless, the use of 900 MHz transmitter is conventional the art. Thus, it would have been obvious to one skilled in the art by the time the invention was made to have readily recognized using spread spectrum transmitters in the system Rein because it would minimize interference and increase transmission and/or reception quality. The transmitter in Rein transmits on a predetermined time intervals. Col. 8, last paragraph.

Claims 7 and 8:

At least the one other transmitter in Rein comprises a RF spread spectrum transmitter col. 9, lines 9-13).

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Claims 9 and 10:

Rein fails to specify that the one battery-powered radio frequency transmitter is a 900 megahertz spread spectrum transmitter, though Rein discloses that the transmitter of zone sensor 58 is indeed a spread spectrum transmitter (col. 9, lines 9-13). Nevertheless, the use of 900 MHz transmitter is conventional the art. Thus, it would have been obvious to one skilled in the art by the time the invention was made to have readily recognized using spread spectrum transmitters in the system Rein because it would minimize interference and increase transmission and/or reception quality.

Claims 23 and 24:

The detectors of Morton's detect condition such as a pressure and/or a level. See col. 4, lines 29-36.

Claims 20, 21, 28-31:

The detectors in Morton detect different conditions that cause dangerous operation conditions. These detectors detect conditions comprising illegal entry or tampering, pressure, fuel or oil supply, pressure, water temperature, battery voltage level and other condition which cause approaching dangerous operating conditions. See col. 4, lines 29-36. It would have been obvious to one skilled in the art to use other kinds of detector to detect other conditions including valve detectors (e.g. for operating valves within the plant for process control), enclosures in the plants (e.g. electrical cabinet enclosure), a pipe enclosure, or a valve stuffing box enclosure (e.g. to prevent unauthorized access etc...) as desired because it is desirable to monitor approaching dangerous condition so that the problem can be correct as soon as possible.

Claim 26:

Morton discloses a third detector as discussed in the rejection of claim 1 and it could be a temperature detector as disclosed in col. 4, lines 29-36. Regarding the frequency spread spectrum transmitter feature, neither Morton nor Rein specify that the one battery-powered radio frequency transmitter is a 900 megahertz spread spectrum transmitter. Nevertheless, the use of 900 MHz transmitter is conventional the art. Thus, it would have been obvious to one skilled in the art by the time the invention was made to have readily recognized using spread spectrum transmitters in the system Rein because it would minimize interference and increase transmission and/or reception quality.

Claim 32:

The at least one detectors of the combined system of Morton and Rein's is operable when a voltage from a battery is applied thereto. See Morton's col. 1, lines 62-65.

Rein fails to specify that the one battery-powered radio frequency transmitter is a 900 megahertz spread spectrum transmitter, though Rein discloses that the transmitter of zone sensor 58 is indeed a spread spectrum transmitter (col. 9, lines 9-13). Nevertheless, the use of 900 MHz transmitter is conventional the art. Thus, it would have been obvious to one skilled in the art by the time the invention was made to have readily recognized using spread spectrum transmitters in the system Rein because it would minimize interference and increase transmission and/or reception quality. The transmitter in Rein transmits on a predetermined time intervals. Col. 8, last paragraph. Zone sensor 58 of Rein's also includes a battery monitoring circuit 63 and transmits a battery level in the transmission signal.

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4. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morton (US Patent No. 4,195,288) in view of Rein et al. (US Patent No. 5,341,988) and further in view of Claytor et al. (US Patent No. 4,696,191).

Claim 19:

Neither Morton nor Rein discloses positioning a detector in communications with a pipe in the plant. However, such concept is old and conventional in the art as taught in Claytor et al. (hereinafter as Claytor) wherein a detection of voids in the fluid in a pipe is crucial. Claytor teaches using a particulate detector to detect particulates in a pipe (see col. 3, lines 4-14.) In light of this teaching, one skilled in the art would have readily recognized positioning a detector in communication with a pipe in the Morton system because it would detector void condition within a pipe of the industrial plant disclosed in Morton because such condition is undesirable and causes improper operation as suggested by Claytor (col. 1, lines 18-35.)

5. Claims 25, 27, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morton (US Patent No. 4,195,288) in view of Rein et al. (US Patent No. 5,341,988) and further in view of Benda (US Patent No. 5,798,945).

Claims 25, 27, and 29:

Morton fails to disclose detecting fugitive emission. However, such condition is not desirable and hazardous to a person. Therefore, one skilled in the art would readily recognized adding a detector to detect fugitive emission in a building such as taught in Benda (see front-page figure) in the Morton plant because it would help to prevent harm to the workers in the Morton plant.

Response to Applicant's Arguments

6. Applicant's arguments have been fully considered but they are moot in view of new ground of rejections.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Julie Lieu/
Primary Examiner
Art Unit 2612

Jul 03, 07